

**CHAPTER NO. 330**

**SENATE BILL NO. 1771**

**By Person**

**Substituted for: House Bill No. 1492**

**By McMillan, Todd**

AN ACT To amend Tennessee Code Annotated, Title 63, Chapter 5, relative to the board of dentistry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-5-102, is amended by deleting such section in its entirety and by substituting instead the following:

Section 63-5-102. The board shall consist of seven (7) practicing dentists, two (2) practicing dental hygienists, and one (1) practicing registered dental assistant, whose duty it is to carry out the provisions of this chapter. Of the seven (7) dentists, two (2) shall be appointed from each grand division of the state, and the appointment of the other dentist shall alternate among the grand divisions on an equal basis (but without regard to consecutive terms of a board member).

SECTION 2. Tennessee Code Annotated, Section 63-5-103(a)(1), is amended by deleting the following sentence:

The oral and maxillofacial surgeon member may be appointed by the governor from a list recommended by the Tennessee Society of Oral and Maxillofacial Surgeons.

SECTION 3. Tennessee Code Annotated, Section 63-5-105, is amended by deleting items (6) and (7) in their entirety and by substituting instead the following:

(6) Provide for any evaluations, including on-site, of facilities, equipment and personnel of dentists who use general anesthesia, deep sedation or conscious sedation as the board determines appropriate on the interests of public safety; and

(7) To make such rules and regulations and establish such fees as are necessary to carry out and make effective the provisions of this chapter.

SECTION 4. Tennessee Code Annotated, Section 63-5-108, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) Any duly licensed and registered dentist who uses general anesthesia, deep sedation or conscious sedation (at a level to be determined by the board) in that dentist's practice must secure a permit from the board by meeting the standards as set in rules and regulations and by paying fees set by the board. Such permit is subject to renewal at intervals upon payment of a fee as set by the board in rules and regulations.

SECTION 5. Tennessee Code Annotated, Section 63-5-110(a), is amended by deleting item (2) in its entirety and by substituting instead the following:

(2) The application must be accompanied by the applicant's photograph and by a nonrefundable application fee as set by the board in rules and regulations.

SECTION 6. Tennessee Code Annotated, Section 63-5-112, is amended by adding the following language to the end thereto:

In considering or acting upon matters related to specialists or special areas of dentistry, the board shall utilize as consultants one (1) or more knowledgeable persons certified in the applicable specialty or knowledgeable in the special area.

SECTION 7. Tennessee Code Annotated, Section 63-5-116, is amended by deleting such section in its entirety and by substituting instead the following:

Section 63-5-116.

(a) The board may revoke or suspend the license of, assess a civil penalty for each separate violation against, or otherwise lawfully discipline any dentist who permits any licensed and registered dental hygienist, registered dental assistant and/or practical dental assistant operating under that dentist's supervision to perform any acts or services other than those authorized by this chapter.

(b) The board may also revoke or suspend the license or registration of, assess a civil penalty for each separate violation against, or otherwise lawfully discipline, any dental hygienist or dental assistant violating any of the provisions of this chapter.

SECTION 8. Tennessee Code Annotated, Section 63-5-124(a), is amended by deleting the first sentence in its entirety and by substituting instead the following:

The board has the power, and it is its duty, to deny, suspend, revoke or otherwise restrict or condition the license of, assess a civil penalty for each separate violation against, or otherwise lawfully discipline, the holder of any license to practice dentistry, or any certificate to practice a dental specialty, any license to practice dental hygiene or practice as a registered dental assistant, whenever the licensee or certificate holder is guilty of violating any of the provisions of this chapter or of the following acts or offenses:


SECTION 9. Tennessee Code Annotated, Section 63-5-124(a), is further amended by deleting the word "or" at the end of subdivision (19); by deleting the period at the end of subdivision (20) and substituting instead a semicolon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(21) Disciplinary action against a person licensed to practice dentistry or dental hygiene or registered to practice dental assistant by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed or registered in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of a violation of this section and shall be sufficient grounds upon which to deny, restrict or condition licensure/registration or renewal and/or discipline a person licensed in this state.


SECTION 10. This act shall take effect upon becoming law, the public welfare requiring it.

**PASSED: May 23, 2001**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 5<sup>th</sup> day of June 2001**

  
DON SUNDQUIST, GOVERNOR